

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 73 & 47
96TH GENERAL ASSEMBLY

Reported from the Committee on Health, Mental Health, Seniors and Families, April 14, 2011, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

0434S.04C

AN ACT

To amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 208, RSMo, is amended by adding thereto one new
2 section, to be known as section 208.027, to read as follows:

**208.027. 1. This section shall be known as the "TANF Child
2 Protection and Drug Free Home Act". The purpose of this section is to
3 protect the children in the home of or belonging to temporary assistance
4 for needy families recipients and to prevent abuse of taxpayer money by
5 taking measures to ensure that such individuals receiving temporary
6 assistance for needy families benefits are free of drug and alcohol abuse.**

7 2. For purposes of this section, the following terms shall mean:

**8 (1) "Work activity", shall include, but not be limited to, subsidized
9 or unsubsidized private or public sector employment, job training
10 programs, community service programs, or vocational education and
11 training programs;**

12 (2) "Work-eligible recipient", a recipient who:

**13 (a) Is otherwise eligible for temporary assistance for needy
14 families benefits under this chapter; and**

15 (b) Is required or eligible to participate in work activities.

**16 3. Case workers conducting an initial assessment to determine if
17 an individual meets an exemption, exclusion or is work ready at each
18 temporary assistance for needy families application, reinvestigation or**

19 interim change may report or cause a report to be made to the children's
20 division in accordance with the provisions of sections 210.109 to 210.183
21 for suspected child abuse as a result of drug abuse in instances where
22 the case worker has reasonable suspicion to believe that such individual
23 is engaging in illegal use of a controlled substance.

24 4. Case workers of work-eligible recipients shall be required to
25 immediately report or cause a report to be made to the children's
26 division in accordance with the provisions of sections 210.109 to 210.183
27 for suspected child abuse as a result of drug abuse in instances where
28 the case worker has knowledge that:

29 (1) A work-eligible recipient has tested positive for the illegal use
30 of a controlled substance in relation to a required work activity; or

31 (2) A work-eligible recipient has refused to be tested for the
32 illegal use of a controlled substance in relation to any work activity or
33 preparation for work activities.

34 5. A work-eligible recipient shall be tested for the illegal use of a
35 controlled substance if the child abuse investigation initiated by the
36 report made under this section gives rise to a reasonable suspicion that
37 such recipient engages in the illegal use of a controlled substance.

38 (1) Work-eligible recipients who refuse to be tested under this
39 subsection shall, after an administrative hearing conducted by the
40 department under the provisions of chapter 536, be declared ineligible
41 for temporary assistance for needy families benefits for a period of two
42 years from the date of the administrative hearing decision for refusal to
43 participate in the drug test.

44 (2) Any work-eligible recipient who is found to have tested
45 positive for the use of a controlled substance, which was not prescribed
46 for such recipient by a licensed health care provider, shall, after an
47 administrative hearing conducted by the department under the
48 provisions of chapter 536, be declared ineligible for temporary assistance
49 for needy families benefits for a period of two years from the date of the
50 administrative hearing decision unless such work-eligible recipient,
51 after having been referred by the department, enters and successfully
52 completes a substance abuse treatment program administered by the
53 division of alcohol and drug abuse within the department of mental
54 health and does not test positive for illegal use of a controlled substance
55 in the six-month period beginning on the date of entry into such

56 rehabilitation or treatment program. The work-eligible recipient shall
57 continue to receive benefits while participating in the treatment
58 program. The department may test the work-eligible recipient for illegal
59 drug use at random or set intervals, at the department's discretion, after
60 such period. If the work-eligible recipient tests positive for the use of
61 illegal drugs a second time, then such recipient shall be declared
62 ineligible for temporary assistance for needy families benefits for a
63 period of two years from the date of the administrative hearing decision.

64 6. Other members of a household which includes a person who has
65 been declared ineligible for temporary assistance for needy families
66 assistance shall, if otherwise eligible, continue to receive temporary
67 assistance for needy families benefits as protective or vendor payments
68 to a third-party payee for the benefit of the members of the household.

69 7. The department of social services shall promulgate rules to
70 implement the provisions of this section. Any rule or portion of a rule,
71 as that term is defined in section 536.010 that is created under the
72 authority delegated in this section shall become effective only if it
73 complies with and is subject to all of the provisions of chapter 536, and,
74 if applicable, section 536.028. This section and chapter 536 are
75 nonseverable and if any of the powers vested with the general assembly
76 pursuant to chapter 536, to review, to delay the effective date, or to
77 disapprove and annul a rule are subsequently held unconstitutional,
78 then the grant of rulemaking authority and any rule proposed or
79 adopted after August 28, 2011, shall be invalid and void.

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